

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
NICHOLAS JAMES MORGAN-
DEROSIER,
Defendant.

Criminal No. 3:22-cr-5

**DEFENDANT'S MOTION TO
CONTINUE**

NICHOLAS JAMES MORGAN-
DEROSIER,
Defendant.

Defendant.

Comes now Nicholas James Morgan-Derosier, by and through his attorney, Assistant Federal Public Defender Christopher P. Bellmore, and moves the Court for its Order extending the trial setting of March 29, 2022, as well as all related pretrial deadlines.

As grounds, Defendant states:

1. Defendant made his initial appearance on December 16, 2021, and was arraigned on January 26, 2022, on an Indictment, charging the Defendant with Receipt and Distribution of Child Pornography, Transportation of Child Pornography, 6 counts of Possession of Materials Containing Child Pornography, Transportation of a Minor, Travel with Intent to Engage in Illicit Sexual Activity, in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(b)(1); 2252A(a)(1) and 2252A(b)(1); 2252A(a)(5)(B) and 2252A(b)(2); 2423(a); 2423(a); and 2423(b).

2. The Court entered its Criminal Pretrial Order and Jury Trial Notice on January 26, 2022, setting the jury trial for March 29, 2022.

3. Defendant received initial discovery from the government on January 20, 2022.

4. Defense counsel needs additional time to properly investigate this matter and prepare for trial. Additional investigative work, based on a review of the discovery material, is necessary before defense counsel can competently advise the Defendant if a plea agreement or trial is in his best interests.

5. Defense counsel has advised the Defendant of this motion, its purpose, and constitutional and statutory right to a speedy trial, pursuant to 18 U.S.C. § 3161 et seq. Defendant said he would consent to a continuance and has executed a written consent form, which is being filed contemporaneously with this motion.

6. Defendant is currently detained at the Cass County Jail, Fargo, North Dakota.

7. The Government, through Assistant United States Attorney Jennifer Puhl, does not object to this motion.

8. The undersigned, further, represents to the Court that this motion is made neither for purposes of undue delay nor other improper reason. Counsel makes this request for the Defendant in order to have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, Defendant Nicholas James Morgan-Derosier, requests that the Court continue the trial setting to a time past March 29, 2022, and further, that all related pretrial deadlines be continued.

Dated this 1st day of March, 2022.

Respectfully submitted,

JASON J. TUPMAN
Federal Public Defender
By:

/s/ Christopher P. Bellmore
Christopher P. Bellmore
Assistant Federal Public Defender
Attorney for Defendant
Office of the Federal Public Defender
Districts of South Dakota and North Dakota
Federal Square, Second Floor
112 Roberts Street North, Suite 200
Fargo, ND 58102
Telephone: 701-239-5111
Facsimile: 701-239-5098
filinguser_SDND@fd.org